

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

DAVID RODRIGUES,  
#89491,  
  
Petitioner,  
  
vs.  
  
STATE OF NEVADA, *et al.*,  
  
Respondents.

3:09-cv-00029-LRH-VPC

## ORDER

This is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 in which petitioner, a state prisoner, is proceeding *pro se*. On September 28, 2009, petitioner filed a motion for an appeal bond. (Docket #30.) Respondents oppose the motion.

Bail pending the resolution of a habeas corpus petition filed in a district court is reserved to "extraordinary cases involving special circumstances" and where there is a high probability of the petitioner's success. *United States v. Mett*, 41 F.3d 1281, 1282 (9th Cir. 1994), quoting, *Land v. Deeds*, 878 F.2d 318, 318-319 (9th Cir. 1989). A petitioner must demonstrate some circumstance that makes him exceptional and especially deserving of such special treatment in the interests of justice. See, *Aronson v. May*, 85 S.Ct. 3, 5 (1964) (Douglas, Circuit Justice, in chambers); *Benson v. California*, 328 F.2d 159, 162 (9th Cir. 1964). In addition to these factors, the Court must take into consideration the petitioner's risk of flight and the danger to the community should he be released. See, *Marino v. Vasquez*, 812 F.2d 499, 508-09 (9th Cir. 1987).

After reviewing petitioner's papers, the court concludes that petitioner demonstrated neither that this is an extraordinary case involving special circumstances nor that there is a high probability

1 of the petitioner's success.

2 **IT IS THEREFORE ORDERED** that petitioner's motion for an appeal bond is **DENIED**.

3 (Docket #30.)

4 DATED this 5<sup>th</sup> day of November, 2009.



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6 LARRY R. HICKS  
7 UNITED STATES DISTRICT JUDGE  
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